

Appl. No. : **10/621,010**
Filed : **July 15, 2003**

REMARKS

The Office Action indicates Claims 1, 2, 4, 5, 8-17, 21, 22, 34-38, 41, and 42 are rejected, and Claims 3, 6, 7, 18-20, 23-33, 39, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claim. By this paper, Claims 1, 2, 4, 5, and 22 have been canceled. Claims 3, 6-21, 23-28, 30, 34, 36, 37, and 39-41 have been amended. Thus, Claims 3, 6-21, and 23-42 remain pending in the application and are presented for examination and reconsideration in view of the following amendments and remarks.

Obviousness-Type Double Patenting Rejections

In the Office Action, the Examiner rejected Claims 1, 2, 4, 5, 8-12, 14-17, 22, and 34-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,599,409. Under the same doctrine, the Examiner also provisionally rejected Claims 1, 8-17, 21, 22, 34-38, 41, and 42 as being unpatentable over copending U.S. Patent Application No. 10/613,976 (US 2004/0195098). Claims 1, 2, 4, 5, and 22 have been canceled. Objected to Claim 6 was rewritten into independent form as suggested by the Examiner to be allowable. Claims 8-12, 14-17, 34, 36, and 37 have been amended to depend from amended Claim 6. Accordingly, Applicant respectfully submits that all double patenting issues have been properly addressed and requests that the double patenting rejections be withdrawn.

Allowable Subject Matter

The Office Action indicated Claims 3, 6, 7, 18-20, 23-33, 39, 40 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claim. Claims 3, 6, 7, 18-20, 23-28, 30, 39, and 40 have been amended to include all of the limitations of their respective base claims and any intervening claims. Thus, Applicant respectfully submits that these objections have been overcome.

Claims 8-17, 21, 29, 31-34, 36, and 37 depend, directly or indirectly, from amended Claim 6, and thus are patentable for at least the same reasons that Claim 6 is patentable over the cited art. Therefore, allowance of these claims is respectfully requested.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.


The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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